

**SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

918B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
October 24, 2006

SUBJECT: Joint Community Facilities Agreement by and among Riverside County Flood Control and Water Conservation District, the County of Riverside, and the CFD No. 05-4 Development Group

RECOMMENDED MOTION:

Adopt Resolution No. F2006-39 authorizing execution and delivery of the Joint Community Facilities Agreement by and among the District, the County of Riverside, and the CFD No. 05-4 Development Group.

BACKGROUND:

At the request of the CFD No. 05-4 Development Group, the County of Riverside (the "County") has initiated proceedings to establish Community Facilities District No. 05-4 (Winchester Hills) of the County of Riverside to finance certain public improvements including segments of the Winchester Hills, Line 1, Winchester Hills, Line 2 and Winchester Hills, Line 3 storm drains.

Continued on Page 2

MHW:bjj

WARREN D. WILLIAMS
General Manager-Chief Engineer

**FINANCIAL
DATA**

| | | | |
|-----------------------------|-----|-------------------------|-----|
| Current F.Y. District Cost: | N/A | In Current Year Budget: | N/A |
| Current F.Y. County Cost: | N/A | Budget Adjustment: | N/A |
| Annual Net District Cost: | N/A | For Fiscal Year: | N/A |

SOURCE OF FUNDS: N/A

| | |
|---|--------------------------|
| Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| Requires 4/5 Vote | <input type="checkbox"/> |

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Dept't Recomm.: Consent
Per Exec. Ofc.: Consent
Policy
Departmental Concurrence

Prev. Agn. Ref.:

District: 3rd

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

11 . 8

**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

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The CFD No. 05-4 Development Group includes: i) Lennar Homes of California, Inc., a California corporation, ii) BSC Winchester Hills 260, LLC, a California limited liability company, iii) TMC Menifee, LLC, a Delaware limited liability company, iv) Rancon Winchester Valley 85, LLC, a California limited liability company, v) Rancon Winchester Valley 200, LLC, a California limited liability company, vi) Ashbrook West Prairie Crossing, L.P., a California limited partnership, vii) A.C. Newport, LLC, a California limited liability company, viii) SF 150, LLC, a California limited liability company, and ix) Barratt American Incorporated, a Delaware corporation.

The proposed drainage improvements are necessary to provide flood protection and drainage for various proposed development projects located in the unincorporated community of Winchester. Upon completion of construction and the transfer of necessary rights of way, the District will accept the mainline storm drains for ownership, operation and maintenance.

The County Executive Office and the Transportation Department have participated in the negotiation and preparation of this Agreement and are recommending its approval. Special Counsel has approved the Agreement as to legal form. A companion item appears on the County's agenda this same date.

MHW:bjj

2
3 **RESOLUTION NO. F2006-39**

4 **AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT**
5 **COMMUNITY FACILITIES AGREEMENT WITH REGARD TO**
6 **COMMUNITY FACILITIES DISTRICT NO. 05-4 (WINCHESTER**
7 **HILLS) OF THE COUNTY OF RIVERSIDE**

8 **WHEREAS**, the Board of Supervisors (the "Board of Supervisors") of the County of Riverside
9 (the "County") has initiated proceedings under the Mello-Roos Community Facilities Act of 1982,
10 Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California
11 government Code (respectively, the "Act" and the "Code") to establish Community Facilities District No.
12 05-4 (Winchester Hills) of the County of Riverside (the "Community Facilities District"), to authorize the
13 levy of special taxes (the "Special Taxes") upon the land within the Community Facilities District and to
14 issue bonds (the "Bonds") secured by the Special Taxes, the proceeds of which are to be used to finance
15 the acquisition and construction of certain public facilities (the "Facilities"); and,

16 **WHEREAS**, the Facilities proposed to be financed by the Community Facilities District include
17 certain flood control facilities (the "Flood Control Facilities") to be owned, maintained and operated by
18 the Riverside County Flood Control and Water Conservation District (the "Flood Control District"); and,

19 **WHEREAS**, Section 53316.2 of the Code provides that a community facilities district may
20 finance facilities to be owned or operated by an entity other than the agency that created the community
21 facilities district, or services to be provided by an entity other than the agency that created the district, or
22 any combination, only pursuant to a joint community facilities agreement or a joint exercise of powers
23 agreement adopted pursuant to said Section; and,

24 **WHEREAS**, Section 53316.2 of the Code further provides that at any time prior to the adoption
25 of the resolution of formation creating a community facilities district, the legislative bodies of two or
26 more local agencies may enter into a joint community facilities agreement pursuant to said Section and
27 Sections 53316.4 and 53316.6 of the Code to exercise any power authorized by the Act with respect to the
28 community facilities district being created if the legislative body of each entity adopts a resolution
declaring that such a joint agreement would be beneficial to the residents of that entity; and

1 **WHEREAS**, the form of a joint community facilities district entitled "Joint Community Facilities
2 Agreement by and among the County of Riverside, the Riverside County Flood Control and Water
3 Conservation District, Lennar Homes of California, Inc., a California corporation, BSC Winchester Hills
4 260, LLC, a California limited liability company, TMC Menifee, LLC, a Delaware limited liability
5 company, Rancon Winchester Valley 85, LLC, a California limited liability company, Rancon Winchester
6 Valley 200, LLC, a California limited liability company, Ashbrook West Prairie Crossing, L.P., a
7 California limited partnership, A.C. Newport, LLC, a California limited liability company, SF 150, LLC,
8 a California limited liability company, and Barratt American Incorporated, a Delaware corporation" dated
9 as of June 1, 2006 (the "Flood Control JCFA") is attached hereto, marked as Exhibit A, and is
10 incorporated herein ;by reference, and it provides for the financing the acquisition and construction of the
11 Flood Control Facilities;

12 **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board
13 of Supervisors of the Riverside County Flood Control and Water Conservation District in regular session
14 assembled on October 24, 2006 as follows:

15 **Section 1.** The Board of Supervisors of the Flood Control District hereby declares that the Flood
16 Control JCFA will be beneficial to the residents residing within the jurisdictional
17 boundaries of the Flood Control District.

18 **Section 2.** The Flood Control JCFA, in substantially the form submitted to this meeting and
19 made a part hereof as though set forth herein, be and the same is hereby approved.
20 The Chairman of the Board of Supervisors of the Flood Control District (the
21 "Chairman") is, hereby authorized and directed, for and in the name of the Flood
22 Control District, to execute and deliver the Flood Control JCFA in the form submitted
23 to this meeting, with such changes, insertions and omissions as the Chairman, the
24 General Manager-Chief Engineer of the Flood Control District and the County
25 Counsel may require or approve, such requirement or approval to be conclusively
26 evidenced by the execution of the Flood Control JCFA by the Chairman.

27 **Section 3.** The officers, employees and agents of the Flood Control District are hereby
28 authorized and directed to take all actions and do all things which they, or any of

1 them, may deem necessary or desirable to accomplish the purposes of this Resolution
2 and not inconsistent with the provisions hereof.

3 **Section 4.** This Resolution shall take effect immediately upon its adoption.

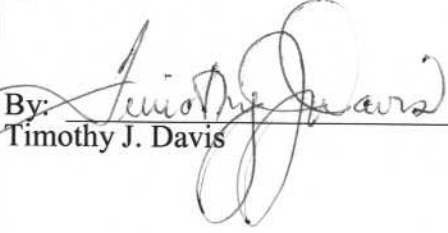
4 **APPROVED and ADOPTED** by the Board of Supervisors of the Riverside County Flood
5 Control and Water Conservation District on October 24, 2006.

6
7
8 By: _____
9 Marion Ashley, Chairman
10 Board of Supervisors of the Riverside County
11 Flood Control and Water Conservation
12 District

11 ATTEST:
12 Nancy Romero
13 Clerk to the Board of Supervisors of the
14 Riverside County Flood Control and
15 Water Conservation District

16 By: _____
17 Deputy Clerk

18 APPROVED BY:
19 McFarlin & Anderson, LLP.
20 Special Counsel

21 By:  _____
22 Timothy J. Davis

1 **CLERK'S CERTIFICATE**

2 I, Nancy Romero, Clerk to the Board of Supervisors of the Riverside County Flood
3 Control and Water Conservation District, certify that the foregoing resolution was adopted by the Board
4 of Supervisors at a regular meeting held on the 24th day of October, 2006, by the following vote of the
Supervisors:

5 AYES:

6 NOES:

7 ABSENT:

8 ABSTAINED:

9
10 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
11 Riverside County Flood Control and Water Conservation District this ____ day of _____, 2006.

12
13 By: _____
14 Deputy Clerk